

REMARKS

The Office Action mailed May 2, 2007 has been received and the Examiner's comments carefully reviewed. Claims 13 and 14 have been amended. Claims 15-18 have been added. Support for claims 15-18 is found in the specification, as noted immediately below concerning claim 14. No new subject matter has been added. Claims 1-18 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §112

Claim 14 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, claim 14 is rejected for containing new matter. Applicants respectfully traverse this rejection, but have amended claim 14 to advance this application to allowance.

Support for the amended limitation of the location of the printed visual color indicator is found in the specification. For example, on page 8 at line 10 the specification discloses that the "visual indicia means 56 is shown extending slightly above and below the zipper 25" (see also FIGS. 2 and 3). On page 6 at line 2 the specification discloses that Figure 5 is a view like Figure 3 but instead shows the printing confined along the zipper, as opposed to being located above or below the zipper. On page 8 at line 8 the specification discloses that the locking members 22, 24 form the zipper 25. Referring to FIG. 5, the visual indicia means 56 is shown confined along the locking members 22, 24 that form the zipper 25.

Accordingly, it is respectfully submitted that "the printed visual color indicator being confined along the first and second locking members" is supported by the specification.

Rejections Under 35 U.S.C. §102

Claim 14 is rejected under 35 U.S.C. §102(e) as being anticipated by Fukumori et al. (U. S. Patent 6,808,666). Applicants respectfully traverse this rejection.

Fukumori discloses a bag having a zipper tape that includes base tapes 101, 103. The base tapes 101, 103 have one of a male strip 102 and female strip 104 that engage and disengage one another. Referring to FIG. 9, a remark 105 "indicating the necessity of checking the mating state [of the strips 102, 104] is printed on an inner surface of the base tape 101 or 103." Column 10 at lines 62-64.

Claim 14 recites a container including a printed visual color indicator provided by printing this is directly applied across an outer surface of at least one web of a reclosable sealing device. Fukumori teaches that the remark 105 is on an inner surface of the base tape 101. The Examiner suggests that although the remark 105 is on an inner surface, it is considered to be "applied across an outer surface" since the remark 105 is not obscured by the tapes 101, 103. Applicants respectfully note that claim 14 requires that the printing be "directly applied" to an outer surface. The remark 105 is not "directly" applied to an outer surface, rather the remark 105 is directly "printed on an inner surface of the base tape." Column 10 at line 63. Therefore, aside from whether or not the tape 101 obscures the remark 105, as reasoned by the Examiner, the remark 105 provided directly on the inner surface does not meet the structural limitations of claim 14.

In addition, claim 14 recites that the printed visual color indicia means is not only directly applied on an outer surface of a web, but is also confined along the first and second locking members. Fukumori discloses that the remark 105 is located above the male strip 102, not confined along the male and female strips, as required by claim 14.

At least for these reasons, Applicants respectfully submit that claim 14 is patentable over Fukumori.

Rejections Under 35 U.S.C. §103

Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fukumori et al. (U. S. Patent 6,808,666). Applicants respectfully traverse this rejection.

Independent claim 1 recites a container having a reclosable sealing device. Printed color visual indicia means is directly applied across a web that defines one of first and second locking members of the sealing device. The printed color visual indicia means is coated with a clear lamination layer. Independent claims 2 and 9 recite similar limitations.

Consideration of the following background information is respectfully requested. The clear lamination layer of claims 1, 2 and 9 is provided to protect the printed color visual indicia means from wear or damage during use and/or manufacture. For example, during manufacture, the web on which the printing is directly applied can be stored on a reel prior to attachment to a bag. When stored on a reel, the outer surface of the "printed" web contacts the inner surface of that web. The laminated layer protects the printing from wear and/or protects the printing from transferring to the inner surface of the wound web. Because the lamination layer is clear, the layer does not need to be removed after attachment of the web to a bag; rather, the clear lamination layer protects the printing yet permits a user to visually see the printing.

In the present rejection, the remark 105 of Fukumori is characterized as printed color visual indicia means, and the outer layer or intermediate layer of the base tape 101 is characterized as a lamination layer. The Examiner notes that the base tapes 101, 103 are made of three layers (an outer layer, an inner layer, and an intermediate layer), and suggests that one of the outer and intermediate layers could be made of a clear laminating material. Applicants respectfully submit that Fukumori does not provide the motivation to modify the outer or intermediate layers to be that of a clear lamination layer.

In particular, the clear lamination layer recited in the claims coats the printed color visual indicia means for purposes of protecting the printed color visual indicia means. Neither the outer layer nor the intermediate layer of the Fukumori base tape coats the remarks 105 to protect the remarks. In contrast, the intermediate and outer layers cover an outside surface of the inner layer, not the remarks formed on the exposed inside surface of the inner layer. **In other words, because the remarks 105 are in fact provided on the exposed inner surface, there is no motivation to modify the outer layer or the intermediate layer to be that of a clear lamination layer as neither layer protects the remarks 105.**

Accordingly, obviousness based upon selecting a known material due to the material's suitability for the intended use is not sufficiently supported in this particular circumstance where there is no teaching or suggestion of a layer used to protect and provide visual access to "printing" or remarks. That is, because there is no teaching of a layer with the requisite protective intended use, one cannot select laminate as a simple matter of design choice when the protective layer, and a corresponding material choice, do not exist.

Last, it is respectfully noted that the Applicants' previous comments about the protective advantages and problems solved by the clear laminate layer are intended to illustrate the importance of the recited structural limitation, and to show why it would not be obvious to modify the differently configured bag of Fukumori to arrive at the claimed invention. At least for the above reasons, Applicants respectfully submit that claims 1-13 are patentable.

New Claims 15-18

New claims 15-16 depend upon claim 1. New claims 17-18 depend upon claim 2. At least for the reasons discussed above with regards to claims 1 and 2, Applicants respectfully submit that dependent claims 15-18 are patentable.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-18) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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A handwritten signature in black ink, appearing to read "Karen A. Fitzsimmons". The signature is written in a cursive, flowing style and is positioned above a horizontal line.

Karen A. Fitzsimmons
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KAF:cjc